

**Before The
Federal Communications Commission
Washington, D.C. 20554**

In The Matter Of)	
)	
Modernizing the E-Rate Program)	WC Docket No. 13-184
For Schools and Libraries)	
)	

**REPLY COMMENTS OF THE
BENTON FOUNDATION**

November 8, 2013

Benton Foundation E-Rate Reply Comments
EXECUTIVE SUMMARY
Nov. 8, 2013

High capacity broadband is critical and necessary infrastructure for our nation's schools and libraries. The Commission should:

1. Ensure E-Rate is modernized to build a "future-proof," cost-effective, upgradable, and fast infrastructure to provide educators and librarians with the tools they need for today and decades to come.
2. Modernize and expand the E-Rate program to make smarter use of every E-Rate dollar by developing robust bandwidth goals for meeting our children's learning needs and calibrating the E-Rate cap to ensure schools and libraries have the funding necessary on a permanent basis for the speed we need to meet our educational goals.
3. Reconsider the priority one and priority two silo system. Recalibrate the system to ensure that schools and libraries efficiently meet their external and internal broadband needs necessary for successful educational outcomes today and into the future.

Build an open and transparent listing making pricing and speed information publicly available and by defining the term "similarly situated." Transparency can bring E-Rate service prices down and can also help combat issues of waste.

4. Support capital investment costs for deploying high-capacity broadband to schools and libraries in areas where it is not currently available. Investing in this infrastructure allows community institutions to build a strong foundation for their current and future technology needs.
5. Provide schools and libraries with flexibility and choice with respect to the most cost-effective infrastructure investment. Equalize the treatment of dark fiber and lit fiber services by allowing dark fiber electronics and construction costs to be eligible for E-Rate support.
6. Promote and support schools and libraries to employ creative approaches to meeting the 24/7 educational needs of students and also the communities they serve. Clarify and make explicit the rules that allow schools and libraries that receive E-Rate support to use a portion of their broadband capacity for community "hot spots."

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**REPLY COMMENTS OF THE
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The Benton Foundation¹ (“Benton”) respectfully submits these reply comments in response to the Federal Communications Commission’s (“Commission”) recent Notice of Proposed Rulemaking regarding the E-Rate program.² Benton works to ensure that media and telecommunications serve the public interest and enhance our democracy. Benton pursues this mission by seeking policy solutions that support the values of access, diversity and equity, and by demonstrating the value of media and telecommunications for improving the quality of life for all.

Introduction

In our initial comments Benton focused on identifying populations and goals that would benefit most from enhancements to the E-Rate program. Specifically, Benton’s initial comments proposed the following:³

- Modernize the E-Rate program to make smarter use of every E-Rate dollar and develop robust bandwidth goals for meeting our children’s learning needs; then, right-size the E-

¹ The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. These comments reflect the institutional view of the Foundation and, unless obvious from the text, are not intended to reflect the views of individual Foundation officers, directors, or advisors.

² See, Modernizing the E-Rate Program for Schools and Libraries, Notice of Proposed Rulemaking, WC Docket No. 13-184 (July, 2013) (“Notice”).

³ Comments of The Benton Foundation, WC Docket No. 13-184 (Sept. 16, 2013) (Benton Comments).

Rate cap to ensure schools and libraries have the funding necessary on a permanent basis for the bandwidth we need to meet our educational goals.

- Build a transparent and open listing of prices and speeds with respect to telecommunications services and equipment.
- Support the capital investment costs of deploying high-capacity broadband to schools and libraries in areas where it is not currently available. Investing in this infrastructure allows community institutions to build a strong foundation for their current and future technology needs.
- Provide schools with flexibility and choice with respect to the most cost-effective infrastructure investment. Equalize the treatment of dark fiber and lit fiber services by allowing dark fiber electronics and construction costs to be eligible for E-Rate support.
- Encourage schools and libraries to think outside of the box to serve the needs of their communities. Clarify and make explicit the rules that allow schools and libraries that receive E-Rate support to use a portion of their broadband capacity for community “hot spots.”⁴

After reviewing the docket, Benton offers two additional recommendations. The Commission must:

- Ensure that E-Rate is modernized to build a “future-proof”, cost-effective, upgradable, and fast infrastructure to provide educators with the tools they need for today and decades to come.
- Reconsider the priority one and priority two silo system. Recalibrate the system to ensure that schools and libraries efficiently meet the institutional and internal bandwidth goals necessary for successful educational outcomes today and into the future.

There is strong agreement among commenters about the importance of high-capacity broadband for schools and libraries. Commenters broadly agree on the need for more funding and note that growing demand for E-Rate funding outstrips the program’s cap. Commenters emphasize the need to update and modernize the administrative aspects of the E-Rate program, including consensus on the need to set clear goals, modernize the priority silos to efficiently meet new goals, and provide an open and transparent listing of service plans and prices. Commenters also express support for capital investment to spur the deployment of high-capacity infrastructure, and to ensure flexibility for schools and libraries with respect to infrastructure investment regarding dark and lit fiber. Finally, there is broad support for a clarification of the rules that allow schools and libraries to serve communities as “hot-spots.”

Benton focuses here on the seven key proposals that are important to E-Rate modernization in light of the unmet and critical educational needs of our nation’s most vulnerable populations.

⁴ Benton Comments, at 13-14.

I. The Data is Clear: Educators Need High-Capacity Broadband

Benton strongly agrees with the Commission that, “[i]ncreasingly, schools and libraries require high-capacity broadband connections to take advantage of digital learning technologies that hold the promise of substantially improving educational experiences and expanding opportunity for students, teachers, parents and whole communities.”⁵ The E-Rate program has helped to bring basic Internet access and technology to the classroom. CenturyLink notes that the E-Rate program is a critical program that schools and libraries currently rely on to meet their technology needs.⁶

Other comments note that new technologies are successfully addressing some of today’s tough educational problems.⁷ According to the State Educational Technology Directors Association (SETDA), there is an increasing “reliance on digital learning tools for meeting key instructional goals, such as student learning in core academic subjects.” SETDA notes that assessment data clearly demonstrates improved writing skills with successful adoption of education technology.⁸

To meet the growing broadband needs of communities, libraries will need to have robust high-capacity broadband as well. The Digital Public Library of America (DPLA) notes that with “a new generation of services and devices becoming critical to the present and future of education, whether in school or as part of the lifelong learning of our citizens at community libraries, it is now necessary to move beyond simple digital access. What is strongly needed is a national-scale project that helps local libraries provide new, forward-looking services easily, effectively, and inexpensively, which build upon the infrastructure that the E-Rate program underwrites.”⁹

Benton agrees with other commenters that technology provides students of all backgrounds and in all locations with a more equitable educational environment.¹⁰ Anchor institutions rely on broadband technology to efficiently connect all students to instructional resources, to expedite teacher training, to provide individualized student resources, to complete uniform assessments, and to build community resources that help connect adults to job training and social services.¹¹ However these improvements rely on one common building block, high-capacity broadband

⁵ Modernizing the E-Rate Program for Schools and Libraries, Notice of Proposed Rulemaking, WC Docket No. 13-184 (July 23, 2013), at ¶ 1.

⁶ Comments of CenturyLink, WC Docket No. 13-184 (Sept. 16, 2013), at 16-17 (CenturyLink Comments).

⁷ Comments of State Educational Technology Directors Association, WC Docket No. 13-184 (Sept. 16, 2013), at 7-10 (SETDA Comments); Comments of City of Boston, WC Docket No. 13-184 (Sept. 16, 2013), at 2-3 (Boston Comments); Comments of Partnership for 21st Century Skills, WC Docket No. 13-184 (Sept. 16, 2013), at 2-3 (P2CS Comments).

⁸ SETDA Comments, at 9.

⁹ Comments of Digital Public Library of America, WC Docket No. 13-184 (Sept. 16, 2013), at 1, (DPLA Comments).

¹⁰ Comments of the Alliance for Excellent Education, WC Docket No. 13-184 (Sept. 16, 2013), at 7 (Alliance Comments); SETDA Comments, at 6-7.

¹¹ Alliance Comments, at 4-7; SETDA Comments, at 6-14.

networks.¹² For schools and libraries to be prepared to address today's and tomorrow's educational challenges, they must have access to a robust and high-capacity broadband infrastructure that will last for decades to come.¹³

Schools and libraries recognize the critical importance of broadband infrastructure and this is reflected in the growing demand for E-Rate funding. According to the State E-Rate Coordinators Alliance (SECA), the annual demand for E-Rate has grown by more than 150% while the actual annual growth of the fund is 6%.¹⁴

II. Expand Funding to Support a Modern, Robust and Efficient E-Rate Program

To support and effectively meet the growing technology needs of schools and libraries both today and for the future, the Commission must expand funding for the E-Rate program.¹⁵ Throughout the docket, commenters make clear that E-Rate funds fail to meet current demand levels and, if funding is left at the current level, it will also fail to meet future growth.¹⁶ The E-Rate Reform Coalition notes, “[b]y FY2014, not only will there be insufficient funds to support *any* applications for priority two services, there will be insufficient funds to support *many* applications for priority one services.”¹⁷ Funds for Learning projects that with the current process for funding by FY 2015, 84% of libraries and 69% of schools will be denied funding entirely.¹⁸

Commenters note that a delay in the expansion of the program could further exacerbate the E-Rate funding gap.¹⁹ The National Association of Elementary School Principals (NAEP) are concerned that if the FCC does not expand and modernize the E-Rate program it will be unable to meet the demands of schools for high-capacity broadband technology, which educators need to prepare students for a 21st century global workforce.²⁰

An increase will also provide much needed funding that would support the expansion of broadband to vulnerable populations in remote and rural areas. The Vermont Agency of Education (Vermont) emphasizes the importance of a “further increase in the amounts of E-Rate

¹² SETDA Comments, at 3.

¹³ SETDA Comments, at 17-18; Comments of the New America Foundation's Open Technology Institute, WC Docket No. 13-184 (Sept. 16, 2013), at 1, (OTI Comments); SHLB Comments of the School Health Libraries for Broadband Coalition, WC Docket No. 13-184 (Sept. 16, 2013), at 2 (SHLB Comments); DPLA Comments, at 1.

¹⁴ Comments of State E-Rate Coordinators Alliance, WC Docket No. 13-184 (Sept. 16, 2013), at 7 (SECA Comments).

¹⁵ Comments of NATOA, WC Docket No. 13-184 (Sept. 16, 2013), at 2 (NATOA Comments); SHLB comments, at 3-4.

¹⁶ NATOA at 1; Alliance Comments, at 1; Comments of Education & Libraries Networks Coalition, WC Docket No. 13-184 (Sept. 16, 2013), at 14-16 (EdLiNC Comments).

¹⁷ Comments of E-Rate Reform Coalition, WC Docket No. 13-184 (Sept. 16, 2013), at 5 (E-Rate Reform Comments).

¹⁸ Comments of Funds for Learning, WC Docket No. 13-184 (Sept. 16, 2013), at 16 (FFL Comments).

¹⁹ Boston Comments, at 2-3; EdLiNC Comments, at 10-11.

²⁰ Comments of National Association of Elementary School Principals, WC Docket No. 13-184 (Sept. 16, 2013), at 1-2 (NAEP Comments).

funding available for schools and libraries in rural areas. Costs are high in last mile connections and schools in rural areas often are in high poverty areas as well.”²¹

III. Recalibrate the Priority Silo System to Efficiently Address the Technology Needs of Schools and Libraries

E-Rate’s priority system was designed in the mid-1990s to encourage the use of E-Rate funding for basic Internet connectivity.²² After decades of success, the E-Rate program has helped solidify the importance of basic Internet access for schools and libraries. However, now the focus is on building a high-capacity broadband infrastructure base that provides educators with robust bandwidth for a wide variety of applications and also an efficient and cost-effective internal networking system.²³ The State Educational Technology Directors Association (SETDA) notes that “[a] modernized E-Rate program must be structured to support the delivery of broadband to and within all school buildings.”²⁴ Comcast suggests in their comments that “the Commission should eliminate the distinction between priority one and priority two services.” Comcast goes on to note that “[f]unding internal connections, such as inside wiring and Wi-Fi services, at the same priority level as other network components will allow students in each classroom to have access to digital educational tools.”²⁵

According to the LEAD Commission, schools need updated wiring to accommodate high-speed broadband, and Wi-Fi networks have reduced the cost of internal connections by 44 percent.²⁶ The Commission should use the priority system to build a modern E-Rate program that can take advantage of new technologies that drive costs down. Cost is not the only factor for a change in the priority system, efficient networking allows for proper use of external investments. According to the New America Foundation’s Open Technology Institute (OTI) “schools and libraries [should] have the ability to not only connect their premises, but also to spread that connectivity adequately within their facilities with sufficient hardware.”²⁷

Any recalibration of the priority silo system will require the Commission to consider the following key factors:

²¹ Comments of Vermont Agency of Education, WC Docket No. 13-184 (Sept. 16, 2013), at 2 (Vermont Comments).

²² Comments of ADTRAN, WC Docket No. 13-184 (Sept. 16, 2013), at 3, 22-23 (ADTRAN Comments).

²³ Comments of Alabama State Department of Education, WC Docket No. 13-184 (Sept. 16, 2013), at 18 (Alabama Comments); Comments of Comcast Corporation, WC Docket No. 13-184 (Sept. 16, 2013), at 15 (Comcast Comments); Comments of Council of the Great City Schools, WC Docket No. 13-184 (Sept. 16, 2013), at 12 (CGCS Comments).

²⁴ SETDA Comments, at 19.

²⁵ Comcast Comments, at 22.

²⁶ Comments of LEAD Commission, WC Docket No. 13-184 (Sept. 16, 2013), at 6 (LEAD Comments).

²⁷ OTI Comments, at v.

1. Any change in the priority system should allow school and libraries more flexibility with purchasing decisions.²⁸
2. Changes to the priority system should remain technology neutral so the program can easily adjust by responding to developments in infrastructure technology and networking equipment.²⁹
3. The priority system must be designed so that it can adequately fund both external and internal connections.³⁰

IV. Build an Open and Transparent Listing of Prices and Speeds for E-Rate Supported Services

In July 2013 FCC Commissioner Ajit Pai noted in a speech on E-Rate reform that the program needs “an easily accessible online resource so that the public can see in detail how much E-Rate funding is available to a school and how each school is spending its E-Rate funds.”³¹ The Benton Foundation, along with many other commenters in the docket, agrees on the need for an online resource to document funding for E-Rate applicants, and that an open and transparent listing of prices and speeds will help applicants better understand the bids they are receiving and provide context for analysis.³² Schools and libraries are institutions under pressure; shrinking budgets and expanding missions place administrators in new roles. If the Commission builds a clear, easy to search, open and transparent listing of prices and speeds for E-Rate eligible services, administrators could use that unbiased information to make smarter decisions when applying to the program. SETDA notes that “we have too little insight today into the E-Rate’s role in ensuring cost-efficiency of school networks. Pricing data negotiated and paid

²⁸ EdLiNC Comments, at 32; Boston Comments, at 5-6; Comments of Clark County School District, WC Docket No. 13-184 (Sept. 16, 2013), at 12 (Clark County Comments); FFL Comments, at 5-6; Comments of National Hispanic Media Coalition, WC Docket No. 13-184 (Sept. 16, 2013), at 2-5 (NHMC Comments).

²⁹ SETDA Comments, at 21, Comments of Cisco, WC Docket No. 13-184 (Sept. 16, 2013), at 6-7 (Cisco Comments).

³⁰ Boston Comments, at 5; Comments of Bureau of Indian Affairs and Bureau of Indian Education, WC Docket No. 13-184 (Sept. 16, 2013), at 6 (BIA/BIE Comments); SECA Comments, at 5; Comments of California Department of Education, WC Docket No. 13-184 (Sept. 16, 2013), at 6 (California Comments); Comments of EducationSuperHighway, WC Docket No. 13-184 (Sept. 16, 2013), at 21 (EducationSuperHighway Comments); Comments of Hewlett Packard, WC Docket No. 13-184 (Sept. 16, 2013), at 14-15 (HP Comments); Comcast Comments, at 21.

³¹ Ajit Pai, Commissioner, Fed. Commc’ns Comm’n, Address at Am. Enterprise Inst.: Connecting the American Classroom: A Student-Centered E-Rate Program (July 16, 2013), *available at* http://www.aei.org/files/2013/07/22/-connecting-the-american-classroom-transcript_092647280283.pdf, at 12 (Pai Remarks).

³² Comments of State of Alaska Department of Education and Early Development, WC Docket No. 13-184 (Sept. 16, 2013), at 4 (Alaska Comments); Alliance Comments, at 10; Comments of American Cable Association, WC Docket No. 13-184 (Sept. 16, 2013), at 7 (ACA Comments); Comments of American Library Association, WC Docket No. 13-184 (Sept. 16, 2013), at 5, 25 (ALA Comments); Comments of State of Arkansas, WC Docket No. 13-184 (Sept. 16, 2013), at 22 (Arkansas Comments); Benton Comments, at 4, 14; Boston Comments, at 6, BIA/BIE Comments, at 3, 7-8.

for by E-Rate applicants should be made transparent and publicly accessible via an easy-to-use online portal. This transparency will serve the dual purposes of educating applicants and providers both on the varying prices currently paid by applicants, as well as facilitate the conduct of special studies and analyses by interested 3rd parties to identify best practices that can be pursued by future applicants seeking greater cost-efficiencies.”³³

Transparency is also a simple strategy to combat issues of waste. Commissioner Pai noted this in his July 2013 remarks “With transparent decisions, the whole community can be involved in effective oversight.”³⁴ An open and transparent listing of prices and speeds will help eliminate the environment where providers can easily violate the “lowest corresponding price” rule.³⁵ Bureau of Indian Affairs and Bureau of Indian Education note that, “Transparency breeds honesty, lower prices, and an open approach to the E-Rate process.”³⁶ The New America Foundation’s Open Technology Institute (OTI) echoes that and emphasizes, “[a]rmed with data, schools and libraries could more easily self-assess whether they are receiving the services that they requested. This, in turn, would improve quality and help curb waste, fraud, and abuse in the program as a whole.”³⁷

An open and transparent listing will also support the Commission’s assessment of E-Rate success in building infrastructure and will assist with other data analysis. EducationSuperHighway states, “The Commission should create a unified portal system coupled with a single national K-12/Library broadband infrastructure database in which applicants must document the broadband infrastructure installed in every school or district.”³⁸

V. Invest in Infrastructure that Will Meet Educational Needs Both Today and Tomorrow

Commissioner Ajit Pai in his statement at the launch of the E-Rate modernization docket emphasized that the “E-Rate should be about funding next-generation infrastructure that will facilitate digital learning...”³⁹ To meet the high-capacity digital learning needs of schools and libraries, Benton believes that the Commission should create a short-term capital investment fund to focus on the deployment of a robust network infrastructure that will meet educational demands in the years to come. The E-Rate Program was designed in the 1990s to encourage the deployment of infrastructure and integration of the Internet in the classroom. However, the

³³ SETDA Comments, at 20.

³⁴ Pai Remarks, at 20.

³⁵ Jeff Gerth, *AT&T, Feds Neglect Low-Price Mandate Designed to Help Schools*, Pro Publica (May 1, 2012), <http://www.propublica.org/article/att-feds-ignore-low-price-mandate-designed-to-help-schools>, <http://www.propublica.org/article/att-feds-ignore-low-price-mandate-designed-to-help-schools>, BIA/BIE Comments, at 3.

³⁶ BIA/BIE Comments, at 7.

³⁷ OTI Comments at 23.

³⁸ EducationSuperHighway Comments, at 26.

³⁹ Statement of Commissioner Ajit Pai, Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-322284A4.pdf.

critical new applications needed for instructional support and assessment will not function on the T-1 technology of yesterday. The LEAD Commission states that “[t]oday...we face a critical issue of insufficient capacity, not access.”⁴⁰

There is broad agreement among commenters that a directed short-term capital investment in infrastructure is an efficient strategy to meet capacity demands.⁴¹ The Schools, Health, & Libraries for Broadband Coalition (SHLB) points out that one-time investment is an efficient strategy to assist school and libraries to meet their capacity needs because, “[t]he high up-front costs of deployment often stand in the way of schools and libraries being able to obtain access to high-capacity broadband networks.”⁴² EducationSuperHighway notes that “[c]onnecting every school to fiber will dramatically reduce the annual support that E-Rate must provide for WAN infrastructure connecting schools to the district office.”

VI. Choices Drive Down Cost: Equalize the Treatment of Lit and Dark Fiber

Benton, along with many other commenters, supports the equalized treatment of both lit and dark fiber within the E-Rate program.⁴³ Equalizing the treatment of lit and dark fiber provides applicants with a more cost-effective approach to infrastructure development. The National Association of Telecommunications Officers and Advisors (NATOA) points out that “the ability to use E-Rate funds to ‘light’ dark fiber will increase high-capacity service options and may very well decrease future funding demands on the program.”⁴⁴ The Council of the Great City Schools (CGCS) notes that “[a]llowing beneficiaries to lease dark fiber and light it themselves typically results in a far more cost-effective and strategic investment than leasing a comparable provisioned (or “lit”) circuit from a carrier. Leasing fiber networks has allowed some urban districts to develop greater capacity for high-quality and modern instructional services....”⁴⁵

⁴⁰ LEAD Comments at 3.

⁴¹ NATOA Comments, at 2, SHLB Comments at 4-6, Comments of Imperial County Office of Education, WC Docket No. 13-184 (Sept. 16, 2013), at 9 (Imperial County Comments), EducationSuperHighway Comments, at 9, ALA Comments, at 20-21.

⁴² SHLB Comments, at 4, EducationSuperHighway Comments, at 9.

⁴³ ALA Comments, at 20-21, Boston Comments, at 4, California Comments, at 8, E-Rate Management Professionals Association, WC Docket No. 13-184 (Spt. 16, 2013), at 7 (E-MPA Comments), Comments of E-Rate Service Providers, WC Docket No. 13-184 (Sept. 16, 2013), at 8 (ESP Comments), Comments of Houston Independent School District, WC Docket No. 13-184 (Sept. 16, 2013), at 2 (Houston Comments), Comments of State of Hawaii, WC Docket No. 13-184 (Sept. 16, 2013), at 10 (Hawaii Comments), Comments of Illinois Fiber Resources Group, WC Docket No. 13-184 (Sept. 16, 2013), at 5 (IFRG Comments), OTI Comments, at 3,6-7, Comments of San Diego County Office of Education, WC Docket No. 13-184 (Sept. 16, 2013), at 5 (San Diego), SHLB Comments, at 6, Comments of Wisconsin Department of Public Instruction, WC Docket No. 13-184 (Sept. 16, 2013), at 5 (Wisconsin Comments).

⁴⁴ NATOA Comments, at 6.

⁴⁵ CGCS Comments, at 9.

Equalization of lit and dark fiber will also provide applicants with infrastructure options that are both flexible and long lasting. Robust fiber options support the long term, fast growing bandwidth needs of our anchor institutions.⁴⁶ On the issue of lower costs and fiber, Internet2 notes that “[t]reating dark fiber on par with lit fiber will help to maximize the options available for schools and libraries seeking to deploy fiber to their premises, and greater options ordinarily lead to lower costs.”⁴⁷ Imperial County Office of Education (Imperial County) pointed out that, “[t]here is not a ‘one-size-fits-all’ solution that can be branded as the most effective technology architecture in the State of California (and other states).... The Commission should continue to support lit and dark fiber options.”⁴⁸ SETDA states that “[a]pplicants should be given freedom to build and manage their own broadband infrastructure.”⁴⁹

In a recent blog post, AT&T argues against letting schools deploy their own fiber saying that “[a]sking a school to become a telecom provider makes about as much sense as asking a telecom provider to open an elementary school.” No one is suggesting that schools start selling telecommunications services, and no one is asking AT&T to open elementary schools. Even AT&T knows that 47 U.S.C. § 254(h)(3)⁵⁰ ensures that schools don’t become telecommunications providers. However, AT&T’s suggesting that schools shouldn’t deploy fiber, is like Greyhound saying schools shouldn’t deploy buses. Just because AT&T doesn’t want to sell dark fiber to schools or even sell buses, doesn’t mean they should prevent schools from deploying it themselves. While AT&T may feel like selling dark fiber may cannibalize their own revenues,⁵¹ we can’t afford as a nation to leave our students without the speeds they need to succeed – and dark fiber is perhaps the best way to affordably, scalably, and quickly get our kids up to the same world class speeds that countries like Korea, Ireland and even Azerbaijan or deploying throughout their countries.

Indeed, instead of using buses to deliver students to their classroom for learning, we are merely suggesting schools should also be able to use fiber to deliver packets to their classrooms for learning. But today, dark fiber is treated differently than lit fiber, preventing schools from being able to take advantage of fiber. The FCC’s rule should be technology-neutral when it comes to fiber and treat lit fiber like dark fiber. And while on the one hand AT&T argues that the E-Rate must “continue to operate in a technology-neutral manner,”⁵² they appear not to support this technology neutrality when it comes to advancing the high speed fiber our kids need to meet the exploding bandwidth demands of digital learning opportunities.

⁴⁶ SHLB Comments, at 4-5.

⁴⁷ Comments of Internet2, WC Docket No. 13-184 (Sept. 16, 2013), at 15 (Internet2 Comments).

⁴⁸ Imperial County Comments, at 9.

⁴⁹ SETDA Comments, at 21.

⁵⁰ 47 U.S.C. § 254(h)(3) Terms and conditions “Telecommunications services and network capacity provided to a public institutional telecommunications user under this subsection may not be sold, resold, or otherwise transferred by such user in consideration for money or any other thing of value.”

⁵¹ As even Wikipedia notes: “For many years incumbent local exchange carriers [aka AT&T] would not sell dark fibre to end users, because they believed selling access to this core asset would cannibalise their other, more lucrative services.”

⁵² Hank Hultquist blog post: <http://www.attpublicpolicy.com/broadband-policy/bringing-americas-classrooms-into-the-digital-age/>

VII. Clarify Rules Allowing Schools and Libraries to Better Serve Their Communities

School and libraries are critical institutions for the communities they serve. These anchor institutions have become service centers for vulnerable populations seeking social program assistance, training for job skills, and access to technology. Writers Guild of America notes that “[a]llowing anchor institutions to open their wireless networks for community use could introduce a basic level of service in low-income and unserved communities....Community Wi-Fi programs support the Commission’s access and education goals.”⁵³ Schools serve families of all backgrounds and, as homework becomes more technology-dependant, students who lack access to technology at home will be in danger of falling behind. McGraw-Hill emphasizes that the FCC should authorize schools to “provide wireless hot spots to surrounding communities using E-Rate supported broadband....[A]ffluent students already have access to anywhere anytime learning experiences, but low-income students...will not have this same opportunity....” Permitting schools to provide hotspots to surrounding communities is a “major step” toward narrowing this gap.⁵⁴

Benton agrees with other commenters that the Commission should clarify the rules so that school and libraries are encouraged to engage with the community as a hotspot.⁵⁵ The SHLB Coalition notes that “[p]roviding free wireless Internet access to the community surrounding a school or library could be extremely valuable, and could help to meet the Commission’s overall goals for promoting the widespread availability of wireless broadband.”⁵⁶ The City of Boston points out that “[b]y extending connectivity into the community, online learning continues beyond the end of the school day.”⁵⁷

Conclusion

⁵³ Comments of Writers Guild of America West, WC Docket No. 13-184 (Sept. 16, 2013), at 5,7 (WGAW Comments).

⁵⁴ Comments of McGraw-Hill, WC Docket No. 13-184 (Sept. 16, 2013), at iii, 13 (McGraw-Hill Comments).

⁵⁵ ALA Comments, at 31, Alliance Comments, at 9, Comments of LCCHR, WC Docket No. 13-184 (Sept. 16, 2013), at 2 (LCCHR Comments), Comments of Welasco Independent School District, WC Docket No. 13-184 (Sept. 16, 2013), at 3,12 (Welasco Comments), Comments of WISPA, WC Docket No. 13-184 (Sept. 16, 2013), at 5,6 (WISPA Comments), Vermont Comments, at 3, SHLB Comments, at 10, Comments of City of Philadelphia, WC Docket No. 13-184 (Sept. 16, 2013), at 11-12 (Philadelphia Comments), OTI Comments, at 9-16, NHMC Comments at 3, Clark County Comments at 26, Benton Comments, at 14, SETDA Comments, at 19.

⁵⁶ SHLB Comments, at 10.

⁵⁷ Boston Comments, at 8.

High-capacity broadband is critical and necessary infrastructure for our nation's schools and libraries. These community anchors are increasingly reliant on digital learning tools to meet key instructional and assessment goals, such as student learning in core academic subjects. Since the 1990s, the E-Rate program has successfully expanded Internet access to schools and libraries. But the telecommunications crisis facing educators today is capacity, not access. At stake in the Commission's deliberations is the ability to participate in next-generation learning and assessment. A failure to adequately meet the growing capacity demands of education will disrupt student learning as well as teacher accountability reforms being implemented in the states.

To ensure our schools and libraries effectively address educational needs the Commission must modernize and enhance the E-Rate program. The growing demand for E-Rate funding outstrips the program's cap. The Commission needs to recalibrate to provide directed short-term capital investment in infrastructure. This efficient strategy will help meet capacity demands and spur the deployment of high-capacity infrastructure.

The Commission must also update E-Rate administration. Any successful program requires clear goals. The Commission should modernize the program's priority silos to efficiently meet these new goals. And the Commission should require openness and transparency so the program can be properly evaluated. An open and transparent listing of prices and speeds will help applicants better understand the bids they are receiving and provide context for analysis, and minimizing waste.

Schools and libraries should be given the flexibility to meet the educational needs of their communities. When deciding on where to make infrastructure investments, schools and libraries need the power to choose from a full range of options. Maximizing options allows for greater competition for E-Rate dollars, which should spur lower costs and better services.

The Commission needs to recognize that education today does not cease at the doors of schools and libraries. Anchors serve families of all backgrounds and, as homework becomes more technology dependent, students who lack Internet access at home will be in danger of falling behind. Hence, the Commission should provide these institutions the ability to stretch access by allowing them to serve as community hotspots.

Educators across the nation are trying to take advantage of the tools high-capacity broadband can provide to ease the burdens caused by tight budgets and limited personnel. High-capacity broadband provides students with the ability to engage deeply in the material at school and at home. High-capacity broadband grants parents and teachers rich data to better understand the educational needs of each child. High-capacity broadband helps administrators streamline and coordinate assessments, making it easier to determine which programs are working and which schools need the most help. High-capacity broadband helps libraries serve the rising tide of community members who come for adult continuing education, and for the after school youth who rely on them for an Internet connection to finish homework. However, these innovations require reliable, robust, *affordable* high-capacity broadband infrastructure.

The Commission has an opportunity to build a smarter E-Rate program that will not only meet the needs of education today but also for decades to come. By providing ubiquitous high-speed broadband to our schools and libraries, we can help ensure that no matter who you are, in which zip code you were born, the color of your skin, or the income of your parents, every child can take advantage of high speed learning, and every child has a chance to succeed. The Benton Foundation respectfully requests that the Commission issue an Order in this proceeding consistent with the recommendations set forth herein.

Respectfully submitted,

/s/

Amina Fazlullah

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